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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,602	12/22/2000	Kent Gilson	404332000200	8247

20872 7590 12/24/2003

MORRISON & FOERSTER LLP  
425 MARKET STREET  
SAN FRANCISCO, CA 94105-2482

EXAMINER
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SANTOS, PATRICK J D

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 12/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/747,602

Applicant(s)

GILSON, KENT

Examiner

Patrick J Santos

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 December 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 18.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure is objected to because it appears to be a verbatim copy of the one and only one claim. By comparison, the specification is very detailed and contains significant material not necessarily covered by the one and only one claim. As such, the abstract does not sufficiently cover the scope of the disclosure. Correction is required. See MPEP § 608.01(b).

2. The title of the invention is not descriptive. The current title, "VIVA" appears to be a trademark of the name of the product to which the patent application is directed. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,775,950 issued to Terada et al. (hereafter Terada '950) in view of U.S. Patent No. 5,111,413 issued to Lazansky et al. (hereafter Lazansky '413).

Terada '950 teaches a logic simulator that includes:

- A variant behavior object [Terada '950: Figure 7; col. 3, ln. 64 to col. 5, ln. 17] that includes a behavior code unit [Terada '950: col. 4, lns. 12-17]; and
- Wherein the variant behavior object is associated with a behavior code [Terada '950: col. 4, lns. 12-17] that effects a pattern for processing of a data set [Terada '950: col. 6, lns. 49-51] and that references another behavior object [Terada '950: col. 6, lns. 1-5].

Terada '950 does not explicitly teach the simulator and the behavior code is implemented in software.

Lazansky '413 teaches a logic simulator in which the simulator [Lazansky '413: col 26, lns. 26-50] and the behavior code [Lazansky '413: col. 3, lns. 13-15] is implemented in software.

It would have been obvious for a person having ordinary skill in the art to apply the implementing method using software of Lazansky '413, for the implementation of the logic simulator of Terada '950.

The motivation to combine the implementing method using software of Lazansky '413, for the implementation of the logic simulator of Terada '950 is suggested by Lazansky '413 in which a software implementation of a logic simulator would allow for design changes during

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simulation runs and time saving of design changes in general [Lazansky '413: col. 1, ln. 38 to col. 2, ln. 11].

### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- U.S. Patent No. 5,905,883 issued to Kasuya, "Verification System for Circuit Simulator." Reference teaches not only circuit simulation in software, but also means to interleave concurrent test program operations during the simulation.
- U.S. Patent No. 6,058,492 issued to Sample et al., "Method and Apparatus for Design Verification using Emulation and Simulation." Reference teaches another logic simulator.
- U.S. Patent No. 6,253,167 issued to Matsuda et al., "Client Apparatus, Image Display Controlling Method, Shared Virtual Space Providing Apparatus and Method, and Program Providing Medium." Reference is actually a virtual life simulator, but contains much prior art for concurrent processes for simulation.
- U.S. Patent No. 5,579,519 issued to Pelletier, "Extensible Electronic Document Processing System for Creating New Classes of Active Documents." Reference teaches the notion of a generic object which is populated with behavioral information and can be used for a broad interpretation of the claim.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick J.D. Santos whose telephone number is 703-305-0707.


The examiner can normally be reached on M-F 8:00-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Patrick J.D. Santos  
December 8, 2003



SAFET METJAHIC  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100